

## **REMARKS**

Applicants gratefully acknowledge that claims 57-63 are allowed.

Claims 1-18 and 43-56 are recognized as having been withdrawn without prejudice or disclaimer, and are canceled herein.

Independent claim 19 has been amended to correct the lack of antecedent basis where a “frangible seal” was inadvertently used in place of the term “frangible partition.” By this amendment, Applicants respectfully submit that the § 112 rejection has been overcome and that claims 19-40 and 64-71 are in condition for allowance in accord with the Examiner’s remarks regarding allowable subject matter in paragraph 7 of the Office Action.

In paragraph 1 of the Office Action, the Examiner noted that claims 41-42 do not require tobacco, and stated that they were withdrawn. Applicants respectfully submit that tobacco is, within the scope of the present application, implicitly included in “the at least one volatile flavoring agent” in claim 41, and that has been clarified by amending claim 41 to specifically recite tobacco. Support for this amendment of claim 41 may be found in paragraphs [0010] and [0088]-[0090] of the specification. Thus, Applicants request that the Examiner retract the withdrawal of claims 41-42 because claims 41-42 are believed to be a common species with the other pending claims and to be in condition for allowance.

None of the claim amendments described above adds new material.

### Conclusion

For at least the reasons described above, Applicants believe that currently pending claims 19-42 and 64-71 are patentable, together with already-allowed claims 57-63. Applicants respectfully request that the Examiner grant early allowance of this application. The Examiner is invited to contact the undersigned attorney for Applicants via telephone if such communication would expedite the prosecution this application.

Respectfully tendered,



Trevor K. Copeland  
Registration No. 50,292  
Attorney for Applicants

BRINKS HOFER GILSON & LIONE  
P.O. BOX 10395  
CHICAGO, ILLINOIS 60610  
(312) 222-8104